1. **S.B. CIVIL WRIT PETITION NO.1355/2004- Wholesale – Retail Sellers' Union Vs. State of Rajasthan & Ors.**

2. **S.B. CIVIL WRIT PETITION NO.275/2004- Lekhram & Ors. Vs. State of Rajasthan & Ors.**

3. **S.B. CIVIL WRIT PETITION NO.1253/2004- Rajsamand Jila Adhikrant Ration Vikreta Seva Sansthan, Rajsamand Vs. State of Rajasthan & Ors.**

4. **S.B. CIVIL WRIT PETITION NO.290/2004- Murlidhar & Ors. Vs. State of Rajasthan & Ors.**

5. **S.B. CIVIL WRIT PETITION NO.267/2004- Ganpat Ram & Ors. Vs. State of Rajasthan & Ors.**

DATE OF ORDER : - 11.7.2007

HON'BLE MR.PRAKASH TATIA,J.

Mr. MS Singhvi]
Mr. Sanjeev Johari]
Mr. DK Gaur]
Mr. JR Beniwal]for the petitioner.
Mr. NM Lodha, AAG, for the respondent-State.

<><><>

Heard learned counsel for the parties.

The writ petitions have been filed to challenge the orders dated 8th Oct., 2003, 5th Dec., 2003, 15th Dec.,2003 and 24th Dec., 203 and with further prayer that during the pendency of the writ petition any recovery if affected from the Fair Price Shop owners, the same may be funded back to such Fair Price Shop owners with interest @ 12% per annum.

Some of the petitions were also filed in the Rajasthan High

Court Bench at Jaipur in relation to the same grievance and in those petitions (SBCWP No.2235/2004 – Sita Ram Agrwal & Anr. Vs. State of Rajasthan & Ors and connected matters) decided on 25.8.2006, the Jaipur Bench of Rajasthan High Court dismissed the writ petitions by following order : -

> "*Petitioners are aggrieved by a general notice issued by the concerning authorities of the State Government in regard to regularizing wheat distribution system under rural employment scheme. Though shortage and other incidents in distribution have also been included in the commission to be granted to the fair price shop keepers, the claim for further shortage cannot be entertained. Since it is a policy decision of the State Government under a particular scheme and further there is choice of the petitioners to take up the work under the scheme, no interference is called for by this Court in such matters und*er writ jurisdiction."

In view of the above decision dated 25.8.2006, learned counsel for the respondent submitted that these writ petitions may also be dismissed.

Learned counsel for the petitioner submitted that petitioner's challenge to order dated 25.8.2006 is also in these writ petitions and that issue has not been decided in above decision.

In view of the fact that identical writ petitions have been dismissed, therefore, I do not find any reason to entertain the writ

petition and in the light of the said decision, these writ petitions are also deserve to be dismissed. So far as relief for challenge to order dated 25th Nov., 2003 and refund of any amount in pursuance of order dated 25th Nov., 2003 is concerned, for that facts have not come on record that in pursuance of the order dated 25th Nov., 2003, the petitioners have been held liable to pay any amount or any amount has been recovered from the members of the petitioner/petitioners.

In that view of the matter, in case any demand is raised against the members of the petitioner/petitioners in pursuance of the order dated 25th Nov., 2003, or subsequently during the pendency of writ petition if any amount has been recovered from the petitioners or the members of the petitioner/petitioners then they may challenge the demand as well as the order dated 25th Nov., 2003 itself.

With these observations, the writ petitions are dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-